

MHCC050002642020



**IN THE COURT OF SPECIAL JUDGE UNDER THE PROTECTION OF
CHILDREN FROM SEXUAL OFFENCES ACT, 2012 AT BORIVALI
DIVISION, DINDOSHI, MUMBAI.**

BAIL APPLICATION(Exh.7)
IN
SPECIAL CASE NO.26 OF 2020
(CNR No.MHCC05-000264-2020)

Lallan Rajkumar Das
aged 27 years, Occ: service
Residing at Pahadi Anchal,
Tan Kupapa, Gaya, Makhdumpur,
Arwal, Bihar 824 232.

....Applicant/accused

V/s.

The State of Maharashtra
(Juhu Police Station)

.....Respondents

Advocate Mr. Bind for the applicant/accused.

Ms Chauhan, APP for the State.

CORAM: H.H.THE SPECIAL JUDGE,
A.D.DEO (C.R.NO.11)
DATE : 15th June, 2020.

:O R D E R:

The applicant/accused has moved this application U/section 439 of the Code of Criminal Procedure 1973 (hereinafter referred as "Cr.P.C ") for grant of regular bail in connection with C.R. No.379/2019

for the offences punishable U/sec.363, 376, 366-A, 342, 354, 323 of I.P.C. and U/sec.4, 8 and 12 of POSCO Act 2012, registered with Juhu police station.

2. Upon perusal of FIR, it is transpired that the informant is the mother of the victim girl. Victim is aged 4 years. According to informant, on 26.10.2019 at around 10.30 p.m., she had sent the victim by giving money to the nearby grocery shop, but the victim did not return home within reasonable time. Informant and her relatives took search of the victim in nearby locality. Thereafter, as the victim was not traced, informant alongwith her father went to police station. Thereafter, she and police were searching the victim in the nearby locality. At that time, victim was found on the mezzanine floor of Room No.4 in Ghoda Chawl with one person i.e. accused. When the victim was rescued, informant took the victim into confidence. At that time, victim told that accused person had given her chocolate and took her at his home. He closed the door of the house and removed her clothes and also removed his clothes. He forcibly kissed the victim girl. When she got scared and started crying, at that time, he slapped her. He also touched private part of the victim. Based on this information, FIR as mentioned *supra* came to be registered and accused came to be implicated in the offence.

3. Vide Exh.7, on behalf of applicant/accused second bail application is preferred on the ground of pandemic Covid-19. According to accused, because of pandemic his life is in danger. There is no likelihood that the trial will commence within another 1 year. Hence, it is prayed that he be enlarged on bail.

4. Prosecution has filed its say vide Exh.8 reiterating therein contents of FIR and resisted bail application on the ground that accused has committed serious offence. If accused is granted bail, he may create terror in the locality. There is every possibility that he may threaten the prosecution witnesses. Hence, it is prayed that bail application be rejected.

5. Heard Ld.Advocate Mr.Bind for the applicant/accused. He has submitted that as per present SOP issued, his application be treated as written notes of submissions. Ld.APP Ms Chauhan for the State has filed written notes of submission on Exh.7 and it is submitted on behalf of prosecution that victim at the time of incident, was just of 4 years. The allegations are of penetrative sexual assault upon a victim girl by alluring the child that accused would give her chocolate. Hence, prosecution strongly resisted bail application.

6. I have perused the record. Perusal of the record reveals that earlier bail application of the accused was rejected on 9.3.2020 by passing order below Exh.3. Except for the pandemic of Covid-19, there are no material change in circumstances. *Prima-facie* charge-sheet reveals involvement of accused in serious offence of penetrative sexual assault by inserting fingers in the vagina and anus of 4 years victim girl and attempting to commit peno-oral sexual assault upon her. In these facts and circumstances, I do not find this to be a fit case for consideration of bail. Hence, I pass following order:

O R D E R

1. Bail Applications (Exh.7) stands rejected.
2. Inform the accused about this order through jail Superintendent via e-mail.

Dt.15.6.2020

**(A.D.DEO)
Special Judge under P.O.C.S.O. Act,
Sessions Court, Borivali Division,
Dindoshi.**

Dictated on : 15.6.2020
Transcribed on : 15.6.2020
Signed on : 24.6.2020
Sent to Dept. on :

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

25.6.2020 at 1.30 p.m.**Mrs.S.A.Kapare****UPLOAD DATE AND TIME****NAME OF STENOGRAPHER****Name of the Judge****: HHJ A.D.Deo****Date of Pronouncement of
judgment/order****: 15.6.2020****Judgment/order signed by
P.O. On****: 24.6.2020****Judgment/order uploaded on****: 25.6.2020**